

OGC HAS REVIEWED.

Dict. 1-23-51
29 January 1951

*orig in min file
copy in Govt Pat Bk*

MEMORANDUM TO THE FILES

SUBJECT: Government Patents Board

1. I attended a meeting of the Liaison Officers of the Government Patents Board today.

2. A number of questions were covered, including the date when an invention is determined to have been made. This is the earlier of the dates when it is reduced to practice, or when an adequate written description is formulated from which one skilled in the art could produce the invention.

3. The Chairman pointed out that the latest index of inventions indicated that at the present time there are approximately 2,250 Government-owned patents, 6,250 patents in which the Government has retained a shop-right, and 5,000 patents under which the Government has purchased a license.

4. All inventions are submitted to the Government Patents Board for final review and decision, then will be assigned a docket number preceded by a cipher indicating the agency. At this date CIA has not been assigned an agency number.

5. It was also indicated that at the present time there is not yet a fixed form for reporting inventions.

6. It was noted by one of the representatives that it might be somewhat difficult to determine exactly at what stage invention existed and that the employee might be compensated under the Efficiency Awards Program for an idea, although it was not subsequently reduced to practice in a form on which a patent could issue.

7. Each agency is under an obligation in compliance with Executive Order 10096, to determine first if invention exists, then to make a finding regarding the relative rights of ownership in the individual and the Government, and finally to submit the decision to the Government Patents Board for approval. It is possible, of course, that the Agency might find that the Government was not interested even though patentable invention did exist.

8. The essential point of confusion in administration of Executive Order 10096 depends upon the extent to which employees can be required to report inventions. In reply to a question from the undersigned, the Chairman stated that employees are required to report all inventions including those which are clearly personal and private.

In passing it is noted that the application should not be suspended or delayed in any fashion pending a final determination. The extent to which employees can be required to report inventions is a matter of disagreement among the principal procurement agencies of the Government. It is now under consideration by the Judge Advocate General's Office of the Navy Department, and the Air Force is waiting for their decision. The Army, on the other hand, has submitted comments to the Government Patents Board in regard to proposed Administrative Order No. 1, suggesting that certain criteria for determining inventions to which the Government should obtain the entire right, title, and interest should be made cumulative rather than alternative. The effect of this, of course, would be to reduce the area of inventions in which the Government could automatically obtain title as a matter of policy. ~~The effect of this~~

~~Effect to the jurisdiction of the Board by the Order,~~
~~This would~~

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cc: Subject
Chrono

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